

## **902 KAR 15:020. Recreational vehicles.**

RELATES TO: KRS Chapter 13B, 211.180(1)(c), 219.310-219.410, 219.991(2), Chapter 318

STATUTORY AUTHORITY: KRS 194A.050(1), 211.090(3), 211.180

EFFECTIVE: July 30, 2011

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.090 requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary for compliance with KRS 211.180. KRS 211.180(1) requires the secretary to promulgate administrative regulations to provide a safe and sanitary environment for recreational areas designated public and semipublic. This administrative regulation establishes standards for community construction and layout, sanitary standards for operation, and other matters necessary to insure a safe and sanitary recreational vehicle community operation.

Section 1. Definitions. (1) "Community street" means the paved portion of a roadway between curbs or, if not paved, the surfaced area separating sites.

(2) "Exempt recreational vehicle community" means a recreational vehicle community operated in accordance with KRS 219.410.

(3) "Floodplain" means the area in a watershed that is subject to flooding at least one (1) time every 100 years.

(4) "Recreational vehicle parking area" means that portion of the space used to park the recreational vehicle and towing vehicle, if any.

(5) "Self-contained recreational vehicle community" means a community in which all recreational vehicle spaces are designed with water and sewer riser pipe connections that permit the parking of only self-contained recreational vehicles.

(6) "Sewer riser pipe" means that portion of the sewer lateral that extends vertically to the ground elevation and terminates at each recreational vehicle space.

(7) "Seasonal" means a consecutive period of time not to exceed ninety (90) days within a calendar year.

(8) "Special Event" is a nonroutine activity within a community not to exceed fourteen (14) consecutive days in a calendar year.

(9) "Special Event Camping" is camping that is in conjunction with a special event.

(10) "Temporary" means a period of time not to exceed fourteen (14) days within a calendar year.

Section 2. Submission of Construction Plan. (1) In accordance with KRS 219.350, each Application for a Permit, DFS-317, to construct or alter a recreational vehicle community shall be submitted to the local health department.

(2) Except as established in subsection (3) of this section, each Application for a Permit, DFS-317, shall be accompanied by a complete plan, drawn to scale, and submitted in triplicate, of the proposed community or alteration.

(3) If the community is located within a floodplain, the plan shall be submitted in quadruplicate.

(4) The plans shall show all existing and proposed facilities including:

(a) The size of the area and general dimensions of the tract of land being developed;

(b) The number, location, and size of all recreational vehicle spaces;

(c) The area within the space planned for location of the recreational vehicle including set-back distances where applicable;

(d) The location and width of roadways, driveways, and walkways;

- (e) The number, location, and size of all off-street automobile parking spaces;
  - (f) The location of the exterior area lights and the exterior electrical distribution system;
  - (g) Detailed drawings of water supply if source is other than public;
  - (h) Detailed drawings of sanitary station and watering station;
  - (i) Detailed drawings of sewage disposal facilities, including written specifications;
  - (j) Detailed drawings of refuse storage facilities;
  - (k) The location and size of water and sewer lines and riser pipes;
  - (l) Size and location of playground area within the community, if provided; and
  - (m) A separate floor plan of all service buildings and other improvements constructed or to be constructed within the recreational vehicle community, including a plumbing riser diagram.
- (5) The cabinet shall provide written response to the application within thirty (30) business days.
- (a) If the construction plans are not approved, the cabinet shall give the reason in writing to the person submitting the construction plans.
  - (b) Plans may be revised in response to written cabinet deficiencies and resubmitted for another review following the procedure established in this section.

Section 3. Location and General Layout Standards. (1) The recreational vehicle community shall be located on a well drained area, not in a floodplain. Each site shall be graded to prevent the accumulation of storm or other waters.

- (2) If the location is in an area at high risk for flooding, the applicant shall:
  - (a) Submit an engineering study to the cabinet; and
  - (b) Maintain flood insurance for the site.
- (3) The area of the recreational vehicle community shall be large enough to accommodate the designated number of recreational vehicle spaces, necessary streets and roadways, and parking areas for motor vehicles.
- (4) Each recreational vehicle space shall be numbered and displayed in some systematic order.
- (5) Each recreational vehicle space shall contain a minimum of 1,500 square feet and adequate square footage to accommodate the maximum size recreational vehicle.
- (6) Recreational vehicles shall be separated from each other and from other structures by at least fifteen (15) feet.
- (7) A recreational vehicle shall be located at least twenty-five (25) feet from a public street or highway right-of-way and at least ten (10) feet from other community property boundary lines.
- (8) Each parking area shall be provided with safe and convenient vehicular access from abutting public or community streets or roads to each recreational vehicle space. Alignment and gradient shall be properly adapted to topography.
- (9) Access to recreational vehicle parking areas shall be designed to minimize congestion and hazards at each entrance or exit and allow free movement of traffic on adjacent streets. All traffic into or out of the parking areas shall be through these entrances and exits.
- (10) Each space shall abut upon a community street.
  - (a) For a two (2) way community street, the minimum width shall be eighteen (18) feet; and
  - (b) For a one (1) way community street, the minimum width shall be twelve (12) feet.
- (11) Community streets, driveways, and recreational vehicle parking areas shall be of all-weather construction, maintained in good condition, have natural drainage, be relatively free of dust, and be maintained free of holes.
- (12) Each parking area shall provide sufficient parking and maneuvering space so that the parking, loading or maneuvering of recreational vehicles incidental to parking shall not necessitate the use of a public street, sidewalk or right-of-way, or private ground not part of the park-

ing area.

(13) If a community provides a playground area, the area shall be easily accessible to all community residents and shall be fenced or otherwise rendered free of traffic hazards.

Section 4. Lighting within the Community. A minimum equivalent to a 175 watt metal halide type light shall be provided at community entrances, intersections, service buildings, sanitary stations, and other areas within the community as necessary.

Section 5. Community Water Supply. (1) The water supply shall be potable, adequate, and from an approved public supply of a municipality or water district, if available.

(a) If a public water supply of a municipality or a water district is not available, the supply for the community shall be developed and approved pursuant to 401 KAR Chapter 8.

(b) If a public water supply of a municipality or water district subsequently becomes available, connections shall be made to it and the community supply provided for in paragraph (a) of this subsection shall be discontinued.

(2) The water supply shall be capable of supplying a minimum of fifty (50) gallons per day per recreational vehicle space.

(3) Except as provided in subsection (4) of this section, each recreational vehicle community shall have at least one (1) easily accessible watering station for filling recreational vehicle water storage tanks.

(a) There shall be one (1) watering station for each fifty (50) recreational vehicle spaces or fraction thereof.

(b) Each watering station shall be protected against backflow, back-siphonage, and other means of contamination.

(c) A watering station shall be separated from a sanitary station by at least fifty (50) feet.

(4) In lieu of a watering station, individual water connections may be provided at each recreational vehicle space. Riser pipes provided for individual water-service connections shall be located and constructed to prevent damage by the parking of recreational vehicles.

(5) Water distribution lines and connections in the service buildings, sanitary stations, water stations, and at recreational vehicle spaces shall comply with KRS Chapter 318, Plumbers and Plumbing, and 815 KAR Chapter 20.

Section 6. Community Sewage and Waste Disposal. (1) All sewage and waste matter shall be disposed of into a public sewer system, if available.

(a) If a public sewer system is not available, disposal shall be made into a private system designed, constructed, and operated pursuant to the requirements of 401 KAR Chapter 5.

(b) If a public sewer system provided for in paragraph (a) of this subsection subsequently becomes available, connections shall be made to it and the community sewer system shall be discontinued.

(2) Except for self-contained recreational vehicle communities, each community shall provide at least one (1) sanitary station.

(a) If more than seventy-five (75) recreational vehicle spaces without sewer riser pipes are provided, additional sanitary stations shall be required at the ratio of one (1) station for each seventy-five (75) recreational vehicle spaces without sewer riser pipes or fraction thereof.

(b) A sanitary station shall:

1. Consist of at least a trapped four (4) inch sewer riser pipe connected to the community sanitary sewer system; and

2. Be surrounded at the inlet end by a concrete apron sloped to the drain.

(c) The riser shall be provided with a suitable hinged cover, and the area around the station

shall be sloped to drain the surface water away.

(d) A water outlet shall be included to permit sanitary maintenance of the station and be marked in three (3) inch block letters in a contrasting color: "This Water for Flushing and Cleaning Purposes Only."

(e) The water outlet hose shall be reel or tower mounted to insure sanitary storage when not in use.

(f) A vacuum breaker shall be installed at the highest point on the reel or tower mounting.

(3) If facilities for individual sewer riser pipes are provided, the following requirements shall apply:

(a) The sewer riser pipe shall have at least a four (4) inch diameter and shall be located on the recreational vehicle space so that the sewer riser pipe to the recreational vehicle drain outlet shall approximate a vertical position; and

(b) Provision shall be made for capping the sewer riser pipe when a recreational vehicle does not occupy the space. Surface drainage shall be diverted away from the riser.

(4) Sewer system connections in recreational vehicle communities shall comply with KRS Chapter 318, Plumbers and Plumbing, and 815 KAR Chapter 20.

Section 7. Storage, Collection, and Disposal of Community Refuse. (1) The storage, collection, and disposal of refuse in the community area shall be conducted to not create a health, safety, or fire hazard; rodent harborage; insect breeding area; or cause air pollution.

(2) Refuse shall be stored in flytight, watertight, rodent proof common containers. Common containers shall be provided at the ratio of one (1) container per two (2) recreational vehicle spaces and in additional numbers as may be necessary to properly store refuse.

(3) Refuse collection stands shall be provided for refuse containers with less than thirty-five (35) gallons capacity. Stands shall be designed to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

(4) Refuse containing garbage shall be collected at least once a week or more often if necessary.

(a) If suitable collection service is not available from a municipal or private agency, the owner or operator of the community shall provide this service.

(b) Refuse shall be collected and transported in covered, leak-proof containers or vehicles.

(5) Refuse and waste collected at a community shall be disposed in a safe and sanitary manner in accordance with 401 KAR Chapter 47.

Section 8. Community Service Buildings. (1) Except for self-contained recreational vehicle communities, each community shall provide one (1) or more central service buildings containing the necessary toilet and other plumbing fixtures specified by the State Plumbing Code, 815 KAR Chapter 20.

(2) A service building shall be conveniently located within a radius of approximately 500 feet of the spaces to be served. A variance shall be granted by the cabinet if topography or other geographical conditions warrant.

(3) A service building shall be constructed and maintained pursuant to the requirements of the State Building Code, 815 KAR 7:120.

(4) A room containing sanitary or laundry facilities shall have:

(a) Every opening to the outer air effectively screened and each door provided with a spring or other self-closing device;

(b) Illumination levels maintained as follows:

1. General visual tasks: ten (10) foot-candles;

2. Laundry room work area: forty (40) foot-candles; and

3. Toilet room, in front of mirrors: forty (40) foot-candles;
- (c) Hot and cold water furnished to every lavatory, sink, shower, and laundry fixture, and cold water furnished to every water closet and urinal;
  - (d) Walls, floors, ceilings, attached or freestanding fixtures, and equipment maintained in good repair and sanitary. Surfaces shall not consist of carpeting or material that is not smooth and easily cleanable;
  - (e) Refuse stored in easily cleanable containers;
  - (f) Sanitary towels or a mechanical hand drying device located adjacent to the lavatories; and
  - (g) A covered waste receptacle for each toilet room stall used by women.

Section 9. Insect, Rodent, Pest, and Pet Control within the Community. (1) Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Approved extermination methods and other measures to control insects and rodents shall be used.

(2) Communities shall be maintained free of accumulations of debris that could provide rodent harborage or breeding places for flies, mosquitoes, or other pests.

(3) Storage areas shall be maintained to prevent rodent harborage. Lumber, pipe, and other building materials shall be stored at least one (1) foot above the ground.

(4) If the potential for insect and rodent infestation exists, all exterior openings in or beneath a structure shall be appropriately screened with wire mesh or other suitable materials.

(5) The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and noxious insects within the area used for the parking of recreational vehicles.

(6) Communities shall be maintained to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth.

(7) An owner or person in charge of a dog, cat, or other pet shall not permit the animal to run at large or to create a nuisance within the limits of the community.

Section 10. Community Electrical Distribution Systems. Every community shall contain an electrical system consisting of wiring, fixtures, equipment, and appurtenances installed and maintained pursuant to the requirements of the Public Protection Cabinet.

Section 11. Community Fire Protection. Each community shall comply with applicable rules and administrative regulations of the State Fire Marshal and applicable local fire codes pertaining to Standards of Safety, 815 KAR 10:060, fuel supply storage, and fuel connections.

Section 12. Community Maintenance and Registration of Occupants and Vehicles. (1) The permit holder shall maintain the community, its facilities, and equipment in good repair and in a clean and sanitary condition.

(2) Every permittee shall maintain a register showing the following:

- (a) The names and permanent addresses of all recreational vehicle occupants;
- (b) The make, model, and license number of the recreational vehicle or the tow vehicle; and
- (c) The dates of arrival and departure of the recreational vehicle or its occupants.

(3) The register shall be available to an authorized person inspecting the recreational vehicle parking area.

(4) An owner or operator of a self-contained recreational vehicle community shall not permit the parking of a dependent recreational vehicle within the self-contained recreational vehicle community.

(5) An owner or operator of a recreational vehicle community shall not construct, install, or attach, or permit the construction, installation, or attachment of a lean-to, deck, addition, or other permanent or semipermanent structure upon a recreational vehicle or recreational vehicle space, except that a collapsible awning or screened enclosure mounted upon or transported with the recreational vehicle may be permitted.

Section 13. Communities Constructed prior to June 16, 1973. A recreational vehicle community in existence on June 16, 1973, shall be eligible for a permit to operate notwithstanding that the community does not fully meet the design and construction requirements of this administrative regulation, if:

- (1) The cabinet determines that the community can be operated in a safe and sanitary manner pursuant to the operational requirements of this administrative regulation; and
- (2) The community has a service building, sanitary station, safe water supply, adequate sewage, and solid waste disposal, and does not create a nuisance.

Section 14. Special Event Camping. A recreational community shall notify the local health department of the intention to operate at least twenty (20) days prior to each special event.

Section 15. Inspection of Communities. (1) At least once every twelve (12) months, the cabinet shall inspect each community and shall make as many additional inspections and re-inspections as are necessary for the enforcement of this administrative regulation.

(2) Special event camping communities shall be inspected and reinspected daily or with sufficient frequency to ensure enforcement of this administrative regulation and to protect public health.

(3) An inspector shall record inspection findings on an official cabinet report form, DFS 318, Mobile Home and Recreational Vehicle Park Inspection Report, and shall provide the permit holder or operator with a copy. The inspection report shall:

- (a) Set forth the specific violations if found;
- (b) Establish a specific and reasonable period of time for the correction of the violations found; and
- (c) State that failure to comply with a notice issued pursuant to the provisions of this administrative regulation shall subject the permit to consideration for suspension or revocation of the permit.

Section 16. Suspension of Permits. (1) The cabinet shall address penalties, including permit suspension and revocation, in accordance with KRS 219.380(2) and 219.991(2).

(2) The cabinet shall, upon notice to the permit holder, immediately suspend the permit if:

- (a) There is reason to believe that an imminent public health hazard exists; or
- (b) The holder or an employee has interfered with the cabinet in the performance of its duties.

(3) In all other instances of violation of the provisions of this administrative regulation, the cabinet shall:

- (a) Serve on the permit holder or his designee a written notice specifying the violation; and
  - (b) Afford the holder a reasonable opportunity for correction.
- (4) The cabinet shall notify, in writing, the permit holder or operator who fails to comply with a written notice issued under the provisions of this section, that the permit shall be suspended at the end of ten (10) days following service of the notice.

Section 17. Reinstatement of Suspended Permits. (1) A person whose permit has been suspended may make application for a reinspection for the purpose of reinstatement of the permit.

(2) Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the cabinet shall make a reinspection.

(3) If the applicant is found to be in compliance with the requirements of this administrative regulation, the permit shall be reinstated.

Section 18. Revocation of Permits. (1) A permit shall be permanently revoked for:

- (a) Serious or repeated violations of a requirement of this administrative regulation; or
- (b) Interference with an agent of the cabinet in the performance of his duties.

(2) Prior to the action, the cabinet shall notify the permit holder or his designee, in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) days following service of the notice.

Section 19. Permit Renewal. (1) A permit to operate a recreational vehicle community shall be renewed annually, in the month of July. A permit fee shall be assessed pursuant to 902 KAR 45:120, Section 2(2).

(2) Exempt recreational vehicle communities shall register with the cabinet or its agents. Required information for registration shall be the:

- (a) Name of community;
- (b) Name of owner; and
- (c) Dates the recreational community will be operation.

(3) If the cabinet or its agent is on notice that a recreational vehicle community is in violation of another agency's lawful requirement, the permit shall not be renewed until the permit holder or his designee demonstrates to the cabinet or its agent that the violation has been corrected.

Section 20. Appeals. (1) A permit holder, his designee, or an applicant aggrieved by a decision of the cabinet may request a conference or administrative hearing. The request shall be submitted within ten (10) days of receipt of a written notice of:

- (a) A violation;
  - (b) Suspension or revocation of a permit;
  - (c) Denial to renew a permit; or
  - (d) Denial of an initial application.
- (2) Conference hearings.

(a) A conference hearing shall be conducted in accordance with 902 KAR 1:400, Administrative hearings, with the following exceptions:

- 1. The conference hearing shall be less formal than an administrative hearing;
- 2. The matter at issue shall be discussed before a representative of the Department for Public Health; and
- 3. Participants in the discussion shall be:
  - a. An agent of the cabinet; and
  - b. The permit holder, his designee, or the applicant.

(b) A request for a conference hearing shall be:

- 1. In writing; and
- 2. Submitted or addressed to the cabinet's agent at the local health department that issued or gave notice of the violation, suspension, or revocation.

(c) A permit holder, his designee, or an applicant who does not agree with the conference

report issued after the conference hearing may appeal by requesting an administrative hearing.

(3) Administrative hearing.

(a) A request for an administrative hearing shall indicate waiver of the right to request a conference hearing.

(b) The administrative hearing shall be conducted in accordance with 902 KAR 1:400, Administrative hearings.

(c) A request for an administrative hearing shall be:

1. In writing;

2. Submitted or addressed to the Commissioner, Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621; and

3. Accompanied by a copy of the notice of violation, notice to suspend or revoke, letter denying an application, or the conference hearing report.

Section 21. Exceptions. Exempt recreational vehicle communities as defined in KRS 219.410 shall not be subject to this administrative regulation unless indicated otherwise within this administrative regulation.

Section 22. Variance. The owner of a site where special event camping or campground is proposed to be installed may request, in writing, from the local board of health or its designated agent, a variance to the requirements included within this administrative regulation.

(1) A written request for variance shall include:

(a) Pertinent information about the site including a detailed site plan;

(b) The specific portion of the administrative regulation requested for waiver;

(c) The specific reasons for the request; and

(d) Documents, drawings, specifications, and other evidence of compliance with this administrative regulation through alternative means that support the granting of the variance.

(2) A request for variance shall be acted upon by the local board of health or its designated agent within ten (10) business days of receipt of the request.

(a) A written decision on the request shall be presented to the applicant within five (5) business days of the decision.

(b)1. The variance may be granted with stipulations.

2. If the variance is granted with stipulations, the stipulations shall be included in the decision notice.

(3) An applicant for a variance may appear before the local board of health or its agent for the purpose of presenting the request or to appeal a decision.

(4) If a hearing on the variance request or decision is requested, the local board of health or its agent shall:

(a) Set a time and date for the hearing within ten (10) business days of the request; and

(b) Notify the applicant, in writing, within five (5) business days of receipt of the request and at least two (2) days prior to the date of hearing, of the time and date for the hearing.

(5) A decision regarding a variance shall be based upon evidence presented by:

(a) The applicant; and

(b) The local health department representative; or

(c) An expert professional witness.

(6) A decision regarding a variance shall be considered in accordance with:

(a) The requirements of 902 KAR 15:020, KRS 219.310 to 219.410 and related laws; and

(b) The presence or absence of reasonable assurance, derived from evidence presented, that the granting of the variance shall not result in the creation of:



1. A public health hazard; or
2. A public health nuisance.

Section 23. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Application for a Permit", DFS-317, May 1991; and
- (b) "Mobile Home and Recreational Vehicle Park Inspection Report", DFS-318, September 1996.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. (MRP-2; 1 Ky.R. 371; eff. 2-5-75; Am. 17 Ky.R. 500; 9-19-90; 22 Ky.R. 2418; eff. 8-1-96; 29 Ky.R. 1110; 1625; eff. 12-18-2002; 38 Ky.R. 343; 924; eff. 11-10-11.)